S.B.Civil writ Petition No.6593/2007
Pratap & Ors.
vs
The Civil Judge (Jr. Div.), Pindwara & Anr.

Date of order : 21.11.2007.

HON'BLE MR. PRAKASH TATIA, J.

Mr.Rajesh Shah,or the petitioners.

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Heard learned counsel for the petitioners.

It appears that the petitioners challenged the order dated 13.9.2007 which was passed by the trial court as ad interim order in proceedings under Order 39 Rule 1 and 2 CPC and the injunction application has not been decided by the trial court. The trial court issued injunction on the basis of the fact that the relevant Act i.e., Rajasthan Video Films (Regulation of Exhibition) Act, 1990 stand repealed, therefore, the petitioners cannot run the video parlor.

According to learned counsel for the petitioners after filing this writ petition, the Division Bench in DB Civil Leave to Appeal No.10/2007 has already issued interim order that meanwhile, the petitioner's Video Parlor shall not be stopped merely for the reason of repeal of the Act of 1990. In view of the above reason, the interim order passed by the trail court is liable to be set aside.

Since the main stay petition itself is pending before the trial court, therefore, the petitioner should approach the trial court for the relief and can show the order passed by the Division Bench of this Court. Since the order is interim one and by setting aside of this order, the injunction application will not stand decided, therefore, in the facts of this case, this Court is not inclined to entertain this writ petition and opportunity is given to the petitioners to approach the court concerned to decide the main injunction application expeditiously where he may show the order passed by the Division Bench of this Court so that interim proceedings may be finally decided expeditiously.

In view of the above, the writ petition of the petitioners is dismissed.

(PRAKASH TATIA), J.

c.p.goyal/-